REMARKS

Claims 1-16 are all the claims pending in the Application. By this Amendment, Applicant amends claims 1, 6, 11 and 12. In addition, Applicant adds claims 13-16. Claims 13-16 are clearly supported by the Specification, e.g., pages 9-12 of the Application. No new matter is being added.

Preliminary Matters

The Examiner's initialing of the references listed on the form PTO/SB/08 A & B submitted with the Information Disclosure Statement filed on August 11, 2003 is kindly noted.

The Examiner's second acknowledgement of the claim to foreign priority is also kindly noted. However, the Examiner failed to acknowledge that the certified copy of the priority document has been received. The Examiner is respectfully requested to acknowledge that the certified copy of the priority document has been received by checking box 12-a-1 on the form PTOL-326. Alternatively, the Examiner is respectfully requested to explain in the next Office Action why the certified copy of the priority document is not acknowledged.

Claim Rejections under 35 U.S.C. § 102(b)

Claims 1-12 are rejected under 35 U.S.C. § 102(b). In particular, claims 1-11 stand rejected as allegedly being anticipated by U.S. Patent No. 6,426,761 to Kanevsky et al. (hereinafter "Konevsky") and claim 12 stand rejected as allegedly being anticipated by USP 5,995,101 to Clark et al. (hereinafter "Clark"). The Examiner's careful reconsideration is submitted to be appropriate in view of the following comments traversing the rejection.

To be an "anticipation" rejection under 35 U.S.C. § 102, the reference must teach **every element and recitation of the Applicant's claims**. Rejections under 35 U.S.C. § 102 are proper only when the claimed subject matter is identically disclosed or described in the prior art. Thus, the reference must **clearly and unequivocally** disclose every element and recitation of the claimed invention.

To begin, independent claim 1 recites a number of unique features not found in the cited references. For example, claim 1 ("original" and as now amended) recites: *means for also displaying, on said screen, those elements that were not selected so that none of said elements are hidden under said enlarged, corresponding display area.* The Examiner acknowledges that this feature is not expressly taught by Konevsky. However, the Examiner alleges that this feature is inherently taught by Konevsky. In particular, the Examiner alleges that it is inherent that the area that is zoomed in on the display does not block the rest of the screen in the fractal display of information (see page 3 of the Office Action). This ground of rejection is respectfully submitted to be incorrect as a technical matter.

Under the doctrine of "inherency," if an element is not expressly disclosed in a prior art reference, the reference will still be deemed to anticipate a subsequent claim if the missing element "is necessarily present in the thing described in the reference" *Cont'l Can Co. v. Monsanto Co.*, 948 F.2d 1264, 1268, 20 U.S.P.Q.2d 1746, 1749 (Fed. Cir. 1991). "Inherent anticipation requires that the missing descriptive material is '**necessarily present**,' **not merely probably or possibly present**, in the prior art." (emphasis added) *Trintec Indus., Inc. v. Top-U.S.A. Corp.*, 295 F.3d 1292, 1295, 63 U.S.P.Q.2d 1597, 1599 (Fed. Cir. 2002); see also MPEP §2112.

To show inherency in the present case, the Examiner relies on col. 5, lines 33-38, col. 12, lines 16-19 and Fig. 5, item 610 of Kanevsky. Each of these allegedly supporting paragraphs is addressed herein below. First, col. 5, lines 33 to 43 of Kanevsky recite:

> The fractal icon clusters and arrangements according to the invention provides users with continuous desk-top/web-top space that is always conserved. That is, smaller and smaller icons may be used as needed and remain in the vicinity of one another, thus making room for more clusters or icons on the display. Specifically, the density and degree to which the icons (including sub-icons, sub-sub-icons, etc.) change size relative to the larger icons may be controlled by a fractal dimension parameter which is a mathematical variable that characterizes the packing and arrangement of the icons. For example, a high fractal dimension implies a denser, more highly compacted nesting of icons in a cluster, while a low fractal dimension would visually appear as a diffuse collection of icons. Preferably, the computer operating system automatically adjusts this parameter, as needed to conserve space (i.e. screen real estate), suggest relations of items in a cluster to the user, or improve user interaction.

This passage does not even mention magnification. It only teaches arrangement of fractal icons on the desk-top display. In particular, the purpose of Konevsky is to arrange the icons in such a way so that space is always available for additional icons.

Next, col. 12, lines 16 to 25 of Konevsky recite:

> As mentioned herein, a benefit of the fractal text arrangement as shown in FIG. 5, is that the user never runs out of document

> space, as smaller and smaller text may be used as needed. Moreover, a user may quickly (spatially) cluster text and understand relationships between text. As described herein, the density and degree to which the text changes size relative to the larger text may be controlled by a fractal dimension parameter. Users may query various parameters regarding the text cluster, for example, by moving a mouse over the cluster and clicking a mouse button.

This passage also does not even mention magnification. It only teaches that by having fractal arrangement, the user will always have space on the desktop. Moreover, such an arrangement, may, for example, facilitate understanding the relationship between text/icons. Finally, this passage teaches that this fractal arrangement (size and spacing of text/icons) may be controlled by varying fractal parameters. These parameters may be viewed by the user by mouse-clicking the desired cluster. In short, this passage is also related to the arrangement of the cluster and not to magnification.

Finally, the Examiner cites element 610 shown in Fig. 5 of Kanevsky. FIG. 5 illustrates the window 600 of a text editor or other text/diagram display. Often it is useful to annotate text or other documents using a standard keyboard. However, one problem is that there may be little space in the margins (or other areas) of a document to add annotations. According to Konevsky, a "multiple-resolution annotation" function is provided that enables users to add information (text, images, handwritten diagrams) at smaller size scales, to a text document. FIG. 5 illustrates such a "fractal text" arrangement comprising **a set 610 of one or more pieces of text at different sizes**. As shown in FIG. 5, the main text area 612 is normal-sized, whereas other

multi-resolution text 615 appears in diminishing sizes (col. 11, lines 34 to 49). However, there is no disclosure or suggestion that magnifying text will not hide the other information; in particular, the neighboring information.

Kanevsky provides an example scenario, where a professor provides a first set of typed lecture notes in the main text area 612 which may be displayed on a student's computer display 600. A student may annotate the text using the keyboard in which the annotation 617 is made at a smaller-size scale. The user may magnify the margin before adding the annotation. Additional annotations 619 may be made at ever diminishing size scales, and the spatial relations between the micro-annotations may suggest a relatedness to the larger annotations (col. 11, lines 47 to 67).

Clearly, Fig. 5 fails to provide the necessary support for the feature of not hiding other unselected elements by enlarging the selected one being inherently present in Kanevsky reference. Item 610 is a cluster having text of different sizes. In Fig. 5, Kanevsky teaches that the user may magnify the margin before beginning any annotations but there are no annotations in these margins when they are magnified. In short, the passages discussed above do not provide support for the zoomed in area not blocking the rest of the screen as alleged by the Examiner.

Indisputably, magnifying an area based on user selection without hiding other unselected elements as set forth in claim 1 is not expressly disclosed in Kanevsky and is certainly not necessarily present in Kanevsky. Rather, Kanevsky is silent as to the above-mentioned features of claim 1. For example, the most detailed discussion of magnification appears in col. 5, lines 19 to 32 and col. 11, line 66 to col. 12, line 15 of Kanevsky, which discloses zooming in on a region

to view smaller icons. The user can zoom in by using a magnifier 620 for example. However, it would appear that if the user places a magnifier over the desired region, other regions may be hidden (covered by the magnified region).

In order to prevent hiding neighboring regions upon zooming in on a desired region by using a magnifier, the whole display must automatically be rearranged. This is counterintuitive. For example, as the user moves the magnifying glass as much as a centimeter or maybe less, each time the display would have to be rearranged. This is impractical and unnecessary because the user may be just browsing through text of a particular region.

Anyways, as explained above, it has long been held that inherency "may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient." (emphasis added) *In re Robertson*, 169 F.3d 743, 745, 49 USPQ 2d 1949, 1950-51 (Fed. Cir. 1999). The Examiner has not come forward with any factual basis as to why the claimed feature in question must necessarily be present in Konevsky.

Furthermore, claim 1, as now amended, for example, recites: *means for displaying additional information for said selected element in said enlarged, corresponding display area.* Kanevsky's magnification shows information already displayed on the screen but smaller in size; no additional information is being presented once a section is magnified. The information being magnified is already on display but in a smaller text. In short, Kanevksy fails to teach or suggest displaying additional information as set forth in claim 1.

As a result, Konevsky fails to disclose or suggest a number of recitations of claim 1. For example, Konevsky fails to teach explicitly or inherently not hiding other unselected elements by

enlarging the selected one as set forth in claim 1. In addition, Konevsky fails to teach or suggest displaying additional information as set forth in claim 1. Based on at least the foregoing reasons, it is appropriate and necessary for the Examiner to reconsider and to withdraw this rejection of claim 1. Claims 2-5 are patentable at least by virtue of their dependency on claim 1.

Next, this rejection is traversed with respect to independent claim 6. Independent claim 6 recites displaying, on said screen, those elements that were not selected so that none of said elements are hidden under said enlarged, corresponding display area. This recitation is somewhat similar to the recitation of displaying unselected element so that none are hidden under the enlarged display area, as set forth in claim 1. Since claim 6 comprises features that are similar to the features argued above with respect to claim 1, those arguments are respectfully submitted to apply with equal force here. For at least substantially the same reasons, therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection of independent claim 6 and its dependent claims 7-10.

Moreover, independent claim 6, as now amended, recites *pulling up detailed information for said selected element.* Konevsky only teaches magnification to show small, hard to read text. The information magnified is already displayed on the screen. Thus, Kanevsky fails to teach or suggest pulling up detailed information for a selected element. Therefore, claim 6 is patentable for at least this additional reason.

Next, this rejection is respectfully traversed with respect to independent claim 11. Claim 11 recites features that are somewhat similar to the features argued above with respect to claim 1 and 6. Therefore, arguments with respect to claims 1 and 6 are respectfully submitted to apply

with equal force here. For at least substantially the same reasons, therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection of independent claim 11.

Finally, this 102 rejection is traversed with respect to claim 12 which is rejected as allegedly being anticipated by Clark. Claim 12 recites a number of novel features not taught by Clark. For example, claim 12 recites *enlarging a corresponding, default sized display area when a user selects an element from said plurality of elements...displaying said sub-elements for said selected element in said enlarged, corresponding display area*...The Examiner alleges that Clark's icon 54 and a tool tip 50 which appears once an icon is selected are equivalent to enlarging a corresponding default sized display area and displaying sub-elements in said enlarged display area as set forth in claim 12. This ground of rejection is submitted to be incorrect as a technical matter.

Clark is no different from the prior art disclosed in the Application. That is, the display of a sub-element, next level of information, replaces the previous higher level of information, the element. In Clark, there is no display of hierarchical and relational representation where sub-elements are displayed together with the element in the same enlarged display area. In particular, Clark teaches that upon placing a cursor 52 over an icon 54 in a tool bar 56 for a predetermined period of time, a tool tip 50 will appear on a computer display 28; upon continuing to hold the cursor 52 over an icon 54, a subsequent tool tip is displayed (e.g. second-level tool tip), replacing the first tool tip (see Figs. 1-3; col. 1, lines 17 to 63; col. 2, lines 21 to 63).

However, in Clark, there is no enlargement of the default size display area when an element is selected by the user. That is, an icon 54 still appears in its default size display area, which is not enlarged and sub-elements (tool tip) appears in a different display area (small text box) as clearly shown in Figs. 1-3 and explained in col. 1, lines 19 to 26. In short, sub-elements are displayed in a separate display area but the actual display area of the selected icon does not change size throughout user manipulation as is common with a tool bar having a number of buttons. Upon placing a cursor over an icon, a new text box pops up providing some information about the icon. Moreover, this text box is replaced with a different text box providing more detailed information if the cursor remains over the icon.

Therefore, *enlarging a corresponding, default sized display area when a user selects an element from said plurality of elements* as set forth in claim 12 is not disclosed or suggested by Clark, which lacks enlarging the icon and instead a new text box pops up. For at least these reasons, claim 12 is not anticipated by Clark. Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection of independent claim 12.

New Claims

In order to provide more varied protection, Applicant adds claims 13-16. Claims 13-16 are patentable at least by virtue of their dependency on claim 12.

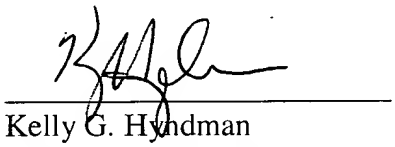
Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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